

Nolan -- December 2007 text communication confirmations with Kenner re - Nolan's LOC knowledge

December 2007 -

From Kenner to Nolan -

37	+14169970110 Owen Nolan*	12/23/2007 3:40:50 PM(UTC+0)	Sent	<i>I need to send you via FEDEX LOC docs from Northern Trust that MUST be signed and returned by the end of the year. Where are you the day after XMAS??</i>	
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From Nolan to Kenner -

41	+14169970110 Owen Nolan*	12/23/2007 6:40:59 PM(UTC+0)	Read	What r the papers for	
42	+14169970110 Owen Nolan*	12/23/2007 6:41:26 PM(UTC+0)	Read	And why the sudden rush	

From Kenner to Nolan -



38	+14169970110 Owen Nolan*	12/23/2007 7:09:24 PM(UTC+0)	Sent	<i>The papers are for your Line of Credit at Northern Trust. The Bank sent them to me for the renewal of the LOC on friday and said they MUST be signed and returned by end of year. Its not just you. All of the guys have to do it. I don't make these rules. Where can I send them for next Wednesday or thursday fedex delivery?? Pk</i>	
39	+14169970110 Owen Nolan*	12/23/2007 7:12:23 PM(UTC+0)	Sent	<i>Can you also plz ask Diana for the ppwk I faxed a while ago for VortalOptics?? I need you to sign and fax them to me at 480.314.3795. Then, we can have your shares registered. Your ppwk is the last of the guys to get done. Happy</i>	

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				Holidays. I hope the kids are well!!	
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From Nolan to Kenner -

45	+14169970110 Owen Nolan*	12/26/2007 5:26:24 AM(UTC+0)	Read	Westin bayshore vancouver we leave tommorrow	
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From Kenner to Nolan -

42	+14169970110 Owen Nolan*	12/26/2007 1:34:06 PM(UTC+0)	Sent	It already was sent to Calgary. It will be there when you return. Please just sign and return asap. Happy Holidays!!	
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Kenner **sends** Nolan the 2007 renewal docs via FEDEX on 12-26-07 - (**BNK-AMEX-1638**)

12/26/07	FEDEX# 831050944488 MEMPHIS TN	31.14
NO REFERENCE INFO T3H0Z7		
TO: OWEN NOLAN CA		
FROM: PHIL KENNER 85259		
001 FEDEX ENVELO 1LB AWB831050944488		
FedEx #1-800-622-1147		

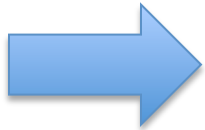
From Nolan to Kenner -

46	+14169970110 Owen Nolan*	12/28/2007 6:04:48 PM(UTC+0)	Read	Where's the package that needs signed plus jp needs 200000 for toronto settlement where r we getting that money since everything is tied up	
47	+14169970110 Owen Nolan*	12/28/2007 6:06:04 PM(UTC+0)	Read	He said in order to write it off it needs to be paid this year	
48	+14169970110	12/28/2007 6:07:04 PM(UTC+0)	Read	Call me need to discuss	

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	Owen Nolan*			<i>this</i>	
49	+141699701 10 Owen Nolan*	12/29/2007 3:46:45 AM(UTC+0)	Read	<i>Can u call me <u>back</u> I have a question about <u>papers</u></i>	

- ***Nolan returned the LOC info to Northern Trust via FedEx) – AFTER – CONVERSATION with Kenner -- (BNK-AMEX-1640)***



FEDEX #1-800-622-1147				
12/31/07	FEDEX# 831050944477 MEMPHIS TN			39.73
	NO REFERENCE INFO85016			
	TO: NORTHERN TRUST US			
	FROM: OWEN NOLAN			
	001 FEDEX ENVELO 1LB AWB831050944477			
	FedEx #1-800-622-1147			
01/01/08	HMS HOST - SLC-AIRPQSALT LAKE CIT UT			26.57
	8015752611			

Please note that Nolan sent on December 28, 2007 –

“where r we getting that money since everything is tied up”

- ❖ ***This is a clear confirmation that Nolan knew his \$2mm PLUS BOND account at Northern Trust was pledged for the LOC.***

Despite all of this communication between Kenner and Nolan – Nolan claimed the following at EDNY trial (*consistent with his LIES during the 2009 Arbitration – resulting in the \$2mm judgment because the arbitrators didn't think Nolan knew about his LOC and underlying investment in Little Isle 4*).

From EDNY (***suborned perjury***) –

*Nolan -- December 2007 text communication confirmations with Kenner
re – Nolan's LOC knowledge*

12 Q There has been testimony in this case about lines of
13 credit.
14 Did you ever have a line of credit associated
15 with your investment in Hawaii?
16 A No.
17 Q Did you ever authorize Mr. Kenner to open up a line
18 of credit in your name?
19 A No.
20 Q Did you ever authorize Mr. Kenner to open up a line
21 of credit in a company called Little Isle IV?
22 A No.
23 Q What about if there was a company called Little Isle
24 IV and you and Mr. Joe Juneau and Mr. Kenner were somehow
25 vouching for a line of credit in Little Isle IV, do you

2066

1 have any memory doing that?
2 A No.

In the 2008-09 Nolan Arbitration pleadings, there was NO claim that Nolan had a LOC at Northern Trust that he was ***not aware*** of, so in preparation for the Arbitration, neither Kenner nor his attorneys requested a Northern Trust subpoena.

- ❖ There was no reason to be prepared to prove something happened as an affirmative defense at the Arbitration that was ***not alleged in the Complaint***.